

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MAURICE R. WELSH and
PAULA D. WELSH,

Plaintiffs,

v.

AMERICA'S SERVICING COMPANY
ASSETS LLC, et al.

Defendants.

No. C 15-2166 CW

ORDER DIRECTING
PLAINTIFFS TO
RESPOND TO
DEFENDANTS' MOTION
(Docket No. 15)

On August 5, 2014, Plaintiffs Maurice and Paula Welsh brought this mortgage-related action in the Superior Court of California against Defendants America's Servicing Company Assets LLC, et al. On May 13, 2015, Defendants removed the action from the Superior Court to this Court. On June 3, 2015, Defendants filed a motion to dismiss Plaintiffs' complaint. Plaintiffs' opposition to that motion was due on June 17, 2015. On June 24, 2015, the case was related to Case No. 13-cv-4750 and reassigned to The undersigned. As of the date of this order, Plaintiffs have not filed an opposition as required by Local Civil Rule 7-3(a).

"Failure to follow a district court's local rules is a proper ground for dismissal. . . . Before dismissing the action, the district court is required to weigh several factors: (1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases of their merits; and (5) the availability of less drastic sanctions." Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

1 The public's interest in expeditious resolution and the
2 Court's need to manage its docket weigh in favor of dismissal.
3 However, the risk of prejudice to Defendants is slight.
4 Furthermore, Plaintiffs are pro se and, as such, the Court finds
5 that a dismissal at this time is too harsh a sanction.

6 Accordingly, Defendants must immediately serve their motion
7 to dismiss on Plaintiffs. Plaintiffs are directed to respond to
8 Defendants' motion within seven days of the receipt of the motion,
9 and no later than fourteen days of the date of this order.
10 Defendants shall file their reply to the motion seven days after
11 Plaintiffs file their response. The motion will be decided on the
12 papers.

13 If Plaintiffs fail to respond to Defendants' motion, this
14 action will be dismissed without prejudice for failure to
15 prosecute.

16 IT IS SO ORDERED.

17
18 Dated: 06/30/2015



19
20
21
22
23
24
25
26
27
28
CLAUDIA WILKEN
United States District Judge